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10/594,947	09/29/2006	Tadamasa Tsushima	074418-0155	5765

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WASHINGTON, DC 20007

EXAMINER

FREEDMAN, LAURA

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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08/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,947	Applicant(s) TSUSHIMA, TADAMASA	
	Examiner Laura Freedman	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) 4-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the amendment filed 27 April 2009, in which claims 1-3, 7, 10-12, and 14-16 were amended, claims 17-19 were cancelled, and claims 21-24 were added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if Applicant intends solely for the connection of the stay to the central portion of the first member to be made without a separate non-integral connecting element, or if Applicant intends for all connections between the central portion of the first member, the stay, and the floor panel to be without a separate non-integral connecting element. For the purposes of examination, based on the originally filed drawings and specification, Examiner has assumed that it is only the connection of the stay to the central portion of the first member that is made without a separate non-integral connecting element.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-3, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hein et al. (US 2002/0100243) in view of Matsuzaki et al. (US 7,303,714), further in view of Schmieder et al. (US 6,391,470). Hein et al. disclose a steering support member structure (for example, as can be seen in figure 1) comprising:

- Steering support member body (for example, including #10) configured to be arranged substantially in a vehicle width direction (for example, including direction "x") inside a front portion of a vehicle interior (for example, including under an instrument panel)
- The steering support member body being divided into a first member (for example, including #14) having a driver seat side portion (for example, including left portion of #14 in figure 1; can be seen in marked-up drawing below) and a central portion (for example, including right portion of #14 in figure 1; can be seen in marked-up drawing below), and a second member (for example, including #16) having a front passenger seat side portion (for example, including some portion of #16, or #16 in its entirety; can be seen in marked-up drawing below)
- The central portion being integrally formed with a stay (for example, including #12; united by fastening) able to support the central portion onto a floor panel (has the ability to so perform)
- Dividing portion (for example, including portion where #14 connects to #16) of the steering support member body is provided with a connecting portion (for example, including #20) comprising a box-shaped insertion portion (for example, including #22) and a receiving portion (for example, including receiving portion formed within walls #17 of second member #16) into which the insertion portion is to be engaged substantially in the vehicle width direction (for example, can be seen in figures 1, 2)
- The receiving portion comprises a stopper face (for example, including surface #16 abuts at its outer end, such as end cap, pillar, door, or similar component) at a deep portion thereof

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- The stopper face being configured to restrict an engaged amount of the insertion portion (for example, the surface #16 abuts at its outer end, such as end cap, pillar, door, or similar component, would restrict an engaged amount of the insertion portion #22)
- The insertion portion comprises a stepped portion (for example, including frame #30) lockable (for example, frame #30 prevents movement of #22 within #16 beyond the extent where edge of #16 would abut a surface of #30; can be seen in figures 1, 2) at an inlet portion (for example, including portion of #16 that initially receives #22, as shown in figure 2) of the receiving portion in a fitting direction (for example, including direction "x")
- The stopper face and the stepped portion enable insertion fitting (including paragraphs 001-008, 0022-0026).

While examiner has pointed out a first embodiment of Hein et al. ('243) above, other embodiments may also read on Applicant's claimed invention.

In regards to the process of casting in claim 20, the method of forming the device is not germane to the issue of patentability, and thus has not been given patentable weight.

Hein et al. do not specifically disclose the driver seat side portion being integrally formed with a column fitting portion to which a steering column is fitted. Matsuzaki et al. disclose a steering support member structure (for example, as can be seen in figure 3, though other embodiments may also apply) comprising a steering support member body (for example, including #1) configured to be arranged substantially in a vehicle width direction inside a front portion of a vehicle interior (for example, including instrument panel, not shown), the steering support member body being divided into a first member (for example, including #3) having a driver seat side portion (for example, including right portion of #3 in figure 3) and a central portion (for example, including left portion of #3 in figure 3), and a second member (for example, including #2) having a front passenger seat side portion (for example, including a portion of #2,

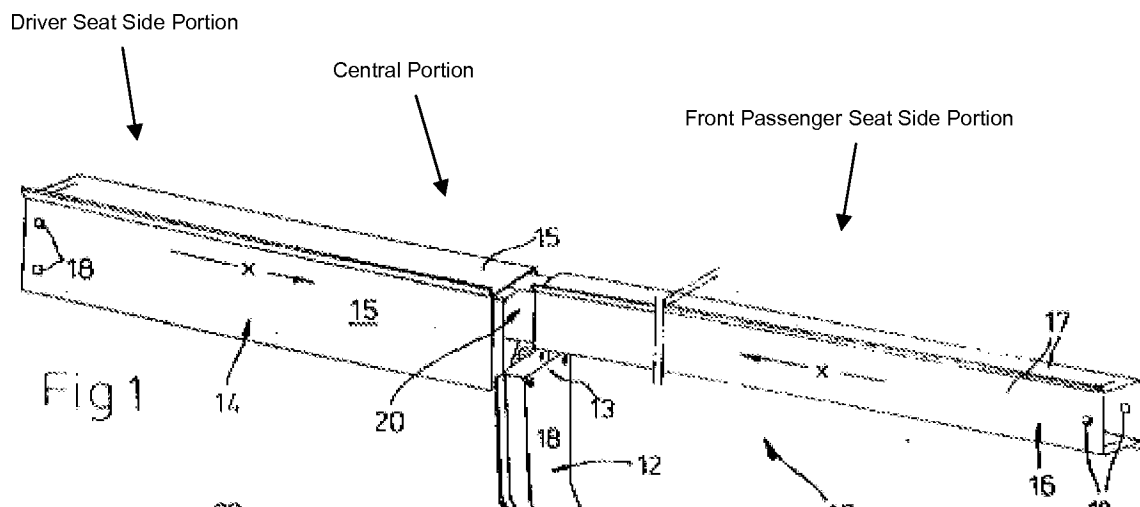
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or #2 in its entirety), the central portion being integrally formed with a stay (for example, including #8, 12) able to support the central portion onto a floor panel (has the ability to so perform), and the driver seat side portion being integrally formed with a column fitting portion (for example, including #6) to which a steering column (for example, including #11) is fitted. The driver seat side portion is integrally formed with the first member of the steering support member body, and is integrally formed with the column fitting portion to which the steering column is fitted, the column fitting portion integrally formed with the steering support member body and attached to the steering support member body without using a separate non-integral connecting element (for example, can be seen in figure 3; including middle of column 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the driver seat side portion of the steering support member structure of Hein et al. to include an integrally formed column fitting portion to which a steering column is fitted, as taught by Matsuzaki et al., so as to provide a support bracket for attachment to a steering column, the integral nature providing a steering support member structure that has high strength and rigidity (Matsuzaki et al.: including columns 1, 2, 5). Further, applying a known technique to improve similar devices in the same way, or to a known device ready for improvement, would yield predictable results.

Hein et al. disclose the connecting portion (for example, including #20) being made of a light alloy (including Abstract, paragraph 0025). However, Hein et al. do not specifically disclose the steering support member comprising a light alloy. Schmieder et al. teach a steering support member structure (for example, as can be seen in figures 1, 8) comprising a steering support member body (for example, including #10, 80-86) comprising a light alloy (including middle of column 3, column 8, and claims). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering support member body to comprise a

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light alloy, as taught by Schmieder et al., so as to make the body from a lightweight, inexpensive material (Schmieder et al.: including middle of column 3, column 8). Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice, and would yield predictable results.



Allowable Subject Matter

6. Claim 21 appears to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter in claim 21 is the stay supporting the central portion of the first member onto the floor panel without using a separate non-integral connecting element, in combination with other features of claims 1 and 21.

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Response to Arguments

8. Applicant's arguments filed 27 April 2009 have been fully considered but they are not persuasive. Examiner notes that the term 'integral' is sufficiently broad to embrace constructions united by such means as fastening and welding. For clarification, Examiner has pointed out features of the Hein et al. ('243) reference in a marked-up drawing above. Additional arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Freedman whose telephone number is (571) 272-2442. The examiner can normally be reached on Monday-Friday, 9:30am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura Freedman
Examiner
Art Unit 3616

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616